

October 8, 2015

A Regular Meeting of the Zoning Board of Appeals of the Town of Lancaster, Erie County, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the 8<sup>th</sup> day of October 2015, at 7:00 P.M., and there were

PRESENT: DANIEL BEUTLER, MEMBER  
JILL MONACELLI, MEMBER  
LAWRENCE PIGNATARO, MEMBER  
ARLIE SCHWAN, MEMBER  
RICHARD QUINN, CHAIRMAN

ABSENT: JOHN BRUSO, MEMBER  
JAMES PERRY, MEMBER

ALSO PRESENT: JOHANNA M. COLEMAN, TOWN CLERK  
KEVIN LOFTUS, DEPUTY TOWN ATTORNEY  
LEN CAMPISANO, ASST. CODE ENFORCEMENT OFFICER

The Affidavits of Publication and Posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

**PETITION OF: TROY & LAURA HILLMAN**

THE 1st CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Troy & Laura Hillman, 26 Donna Lea Drive, Lancaster, New York 14086 for one [1] variance for the purpose of allowing an existing six foot [6'] high fence to remain and allow the erection of a four foot [4'] high fence in a required open space area on premises owned by the petitioners at 26 Donna Lea Drive, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 35C. of the Code of the Town of Lancaster. The premises upon which this variance is sought is a corner lot fronting on Donna Lea Drive with an exterior side yard (considered a front yard equivalent) fronting to the east on Meadow Lea Drive. The petitioners have an existing six foot [6'] high fence for a length of 35.5 feet and propose to erect a four foot [4'] high fence for a length of 92 feet within the required open space area of the exterior east side yard fronting on Meadow Lea Drive.

Chapter 50, Zoning, Section 35C. of the Code of the Town of Lancaster limits the height of a fence or wall extending into a front yard or an exterior side yard (considered a front yard equivalent) to three feet in height. The petitioners, therefore, request a three foot [3'] east side yard fence height variance for a length of 35.5 feet and a one foot [1'] east side yard fence height variance for a length of 92 feet.

**The Clerk presented and entered into evidence the following items:**

Duly executed petition of the applicants with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioners of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

**PERSONS ADDRESSING THE BOARD**

Laura Hillman, Petitioner

Proponent

**IN THE MATTER OF THE PETITION OF TROY & LAURA HILLMAN**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY MR. PIGNATARO, WHO MOVED ITS  
ADOPTION, SECONDED BY MR. SCHWAN  
TO WIT:

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Troy & Laura Hillman and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 8<sup>th</sup> day of October 2015, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

**WHEREAS**, the applicants are the present owners of the premises in question.

**WHEREAS**, the property for which the applicants are petitioning is within a Residential District 1, (R-1) as shown on the Zoning Map of the Town of Lancaster.

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicants cannot be achieved by some other method, feasible for the applicants to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicants if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

**NOW, THEREFORE, BE IT  
RESOLVED** that based upon these findings, the relief sought be and is hereby  
**GRANTED.**

The question of the adoption of the foregoing resolution was duly put to a vote on roll  
call which resulted as follows:

MR. BEUTLER	VOTED	YES
MR BRUSO	WAS ABSENT	
MS. MONACELLI	VOTED	YES
MR. PERRY	WAS ABSENT	
MR. PIGNATARO	VOTED	YES
MR. SCHWAN	VOTED	YES
MR. QUINN	VOTED	YES

The resolution granting the variance was thereupon **ADOPTED.**

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**PETITION OF: CHARLES MARINO**

THE 2<sup>nd</sup> CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Charles Marino, 45 Streamview Lane, Lancaster, New York 14086 for one [1] variance for the purpose of erecting a shed on premises owned by the petitioner at 45 Streamview Lane, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 10D.(1)(b) of the Code of the Town of Lancaster. The proposed shed will be positioned one foot [1] from the rear property line.

Chapter 50, Zoning, Section 10D.(1)(b) of the Code of the Town of Lancaster requires a 5 foot rear yard lot line set back for an accessory structure. The petitioner, therefore, requests a four [4] foot rear yard lot line set back variance.

**The Clerk presented and entered into evidence the following items:**

Duly executed petition of the applicant with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioner of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

**PERSONS ADDRESSING THE BOARD**

Charles Marino, Petitioner

Proponent

**IN THE MATTER OF THE PETITION OF CHARLES MARINO**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY MS. MONACELLI, WHO MOVED ITS  
ADOPTION, SECONDED BY MR. PIGNATARO  
TO WIT:

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Charles Marino and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 8<sup>th</sup> day of October 2015, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

**WHEREAS**, the applicant is the present owner of the premises in question.

**WHEREAS**, the property for which the applicants is petitioning is within a Residential District 1, (R-1) as shown on the Zoning Map of the Town of Lancaster.

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicant(s) if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

**NOW, THEREFORE, BE IT  
RESOLVED** that based upon these findings, the relief sought be and is hereby  
**GRANTED.**

The question of the adoption of the foregoing resolution was duly put to a vote on roll  
call which resulted as follows:

MR. BEUTLER	VOTED	YES
MR BRUSO	WAS ABSENT	
MS. MONACELLI	VOTED	YES
MR. PERRY	WAS ABSENT	
MR. PIGNATARO	VOTED	YES
MR. SCHWAN	VOTED	YES
MR. QUINN	VOTED	YES

The resolution granting the variance was thereupon **ADOPTED.**

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ON MOTION DULY MADE, SECONDED AND CARRIED, the meeting was  
adjourned at 7:26 P.M.

Signed \_\_\_\_\_  
Johanna M. Coleman, Town Clerk and  
Clerk, Zoning Board of Appeals  
Dated: October 8, 2015